

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-7 are pending in this application.

The outstanding Official Action rejected Claims 1 and 5-7 under 35 U.S.C. §103(a) as unpatentable over “applicant’s admitted prior art” in view of Yamamoto et al. (U.S. Patent No. 5,577,017, herein “Yamamoto”). Claim 2 was rejected under 35 U.S.C. §103(a) as unpatentable over “applicant’s admitted prior art” in view of Yamamoto and further in view of Haruta (U.S. Patent No. 5,033,828). Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over “applicant’s admitted prior art” in view of Yamamoto and further in view of Torazawa et al. (U.S. Patent No. 4,993,011). Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over “applicant’s admitted prior art” in view of Yamamoto and further in view of Sonobe et al. (U.S. Patent No. 4,995,724).

With regard to the rejection of Claim 1 as unpatentable over “applicant’s admitted prior art” in view of Yamamoto, that rejection is respectfully traversed.

Initially, it is respectfully noted that the information referred to in the outstanding Office Action as “applicant’s admitted prior art” (Japanese application No. 2001-264467 and corresponding PCT Publication No. WO 03/021583, U.S. Patent Publication No. 20040013077, and U.S. Patent No 7,106,683) *is not and has not been admitted by the applicant to be prior art*. In fact, the specification of the present application refers to this information as “related art” (i.e. at page 1, line 15 and page 20, line 6). Thus, no admission has been made regarding this information.

Further, it is respectfully submitted that none of Japanese application No. 2001-264467, and corresponding PCT Publication No. WO 03/021583, U.S. Patent Publication No.

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20040013077, and U.S. Patent No 7,106,683 qualify as prior art with respect to the present application.

First, Japanese application No. 2001-264467 has not been published, and thus does not qualify as prior art under 35 U.S.C. §102(b).

PCT Publication No. WO 03/021583 was published March 13, 2003, less than one year before the filing date of November 18, 2003 of the present application. Thus, PCT Publication No. WO 03/021583 does not qualify as prior art against the present application under 35 U.S.C. §102(b). Further, the present application claims priority from Japanese Patent Application No. 2002-341378, filed November 25, 2002. In accordance with 37 C.F.R. §1.55(a)(4), enclosed please find English translations of the certified copies of these applications, along with statements that the translations of the certified copies are accurate. It is respectfully submitted that the enclosed documents perfect the claim to priority to Japanese Patent Application No. 2002-341378 under 35 U.S.C. §119. As the filing date of Japanese Patent Application No. 2002-341378 antedates the publication date of March 13, 2003 of PCT Publication No. WO 03/021583, it is respectfully submitted that PCT Publication No. WO 03/021583 does not qualify as prior art with respect to the claims of the present application under 35 U.S.C. §102(a) either.

U.S. Patent Publication No. 20040013077 was published January 22, 2004, after the filing date of November 18, 2003 of the present application. Thus, U.S. Patent Publication No. 20040013077 does not qualify as prior art against the present application under 35 U.S.C. §102(b). Further, as the filing date of Japanese Patent Application No. 2002-341378 antedates the filing date of April 30, 2003 of U.S. Patent Application No. 10/415,103, it is respectfully submitted that U.S. Patent Publication No. 20040013077 does not qualify as prior art with respect to the claims of the present application under 35 U.S.C. §§102(a) or 102(e) either.

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Finally, U.S. Patent No. 7,106,683 was issued September 12, 2006, after the filing date of November 18, 2003 of the present application. Thus, U.S. Patent No. 7,106,683 does not qualify as prior art against the present application under 35 U.S.C. §102(b). Further, as the filing date of Japanese Patent Application No. 2002-341378 antedates the filing date of April 30, 2003 of U.S. Patent Application No. 10/415,103, it is respectfully submitted that U.S. Patent No. 7,106,683 does not qualify as prior art with respect to the claims of the present application under 35 U.S.C. §§102(a) or 102(e) either.

Accordingly, none of Japanese application No. 2001-264467, corresponding PCT Publication No. WO 03/021583, U.S. Patent Publication No. 20040013077, and U.S. Patent No 7,106,683 may be used in a *prima facie* case of obviousness of any of Claims 1-7. Therefore, all rejections of these claims based on “applicant’s admitted prior art” are traversed.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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(OSMMN 06/04)